

WATER RIGHTS PERMITTING FOR FISH AND WILDLIFE ENHANCEMENT PROJECTS

AUGUST 15, 2017 BOARD MEETING
AGENDA ITEM #5

PRESENTED BY TROUT UNLIMITED AND
DIVISION OF WATER RIGHTS STAFF



FEBRUARY 2017 PRESENTATIONS

- Focused on recent, collaborative water supply and habitat restoration efforts in the Central Valley and the Mattole River watershed
- Included discussion on water rights permitting
 - What's working
 - Concerns
 - Suggestions for improvement



--- WHAT'S WORKING ---

- Prioritization of projects that benefit fish and wildlife by:
 - Dedicating flows for instream use
 - Shifting from dry season to wet season diversion
 - Removing onstream reservoirs and other barriers to fish passage



--- WHAT'S WORKING ---

- Policy provisions that allow for expedited processing of fish and wildlife enhancement projects
- Example: Section 3.3.2.5 of North Coast Instream Flow Policy used to expedite water right approvals for Dutch Bill Creek Water Conservation and Storage Project in 2015



--- What's Working ---

- Diligence of Division of Water Rights staff
- Eight additional permitting and petition staff positions added between 2015 and 2017



--- CONCERNS ---

- Multi-year permitting timelines often don't align well with environmental needs and grant funding timelines
- Uncertainty associated with permitting and petition processes, timelines, and costs



--- SUGGESTIONS ---

- Use agency support to help projects identify as fish friendly
- Develop templates and guidance documents
- Exercise regulatory discretion whenever possible
- Avoid unnecessary detail and analyses
- Scale up hydrologic and environmental analyses wherever possible



PROGRAM IMPROVEMENTS

Enhanced website content for applicants and petitioners

The screenshot displays the website of the California State Water Resources Control Board. The header includes the CA.GOV logo and the agency name. A navigation bar contains links such as Home, About Us, Public Notices, Board Info, Board Decisions, Water Issues, Publications/Forms, and Press Room. The main content area is titled "Instream Flows Policy" and features a sub-header "POLICY FOR MAINTAINING INSTREAM FLOWS IN NORTHERN CALIFORNIA COASTAL STREAMS". Below this, there is a detailed text description of the policy, its purpose, and its scope. A section titled "Policy Implementation" contains a table with three columns: Example Documentation, Policy Section Description, and Date Implemented. The table lists two examples: "Water Right" and "Determination". The "Policy Timeline" section at the bottom provides a chronological list of key events, including the adoption of the policy by the Board in 2010 and its subsequent updates in 2012 and 2013.

Example Documentation

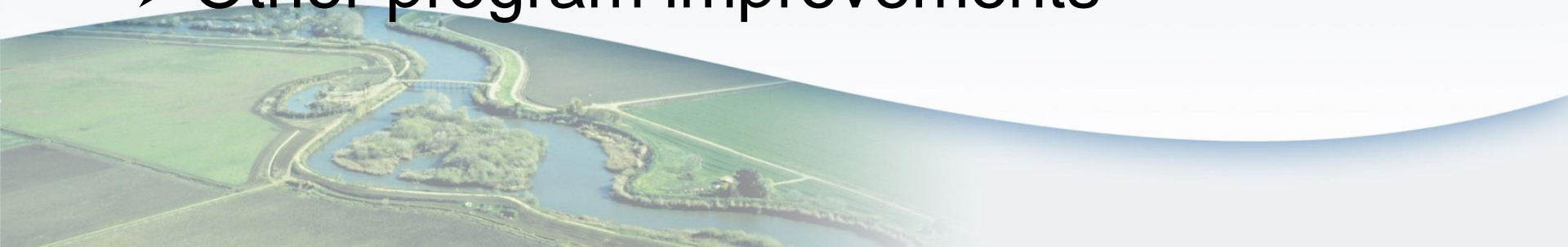
Example Documentation	Policy Section Description	Date Implemented
Water Right	Under Policy Section 3.3.2.5, the Deputy Director for Water Rights may approve one or more exceptions to the diversion criteria for all or part of an application. Prior to approving one or more exceptions to the diversion criteria, the Deputy Director must determine that:	5/5/11
Determination	(1) the Applicant's existing diversions under another valid basis of right will be reduced; and (2) the benefits to fishery resources of the reduction outweighs the potential impacts to fishery resources if application is approved.	

Policy Timeline

- On May 4, 2010, the State Water Resources Control Board adopted [Resolution No. 2010-0021](#), adopting the Water Quality Control Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy) in accordance with California Water Code section 12514 (Cal. Code Regs., tit. 23, § 2521). The Policy became effective on September 28, 2010.
- On October 16, 2012, the State Water Resources Control Board adopted [Resolution No. 2012-0056](#), setting aside Resolution No. 2010-0021, thereby vacating the Board's adoption of the Policy, as required by the Alameda County Superior Court in *Living Rivers Council v. State Water Resources Control Board* (Sup. Ct. Alameda County, 2012, No. RG10-043823).
- On October 22, 2013, the State Water Resources Control Board adopted [Resolution No. 2013-0026](#), re-adopting the Policy without any significant changes. The re-adopted Policy includes clarifications and clerical corrections to the language contained in the previous version of the Policy, adopted in 2010 and revised in 2012. The re-adopted Policy became effective on February 4, 2014. The Division filed a Notice of Decision with the Secretary for Natural Resources on February 18, 2014.

ONGOING EFFORTS

- North Coast Instream Flow Policy section 3.3.2.5 documentation
- Water availability screening tool
- Posting example documentation and guidance on website
- Other program improvements



WCB - Stream Flow Enhancement Program

- Wildlife Conservation Board
 - Land + water acquisitions
 - Restoration focused



- \$200 million from Proposition 1 to fund SFEP
- Funding projects that meaningfully enhance flow



Fish Friendly Dedicated Staff

- Dedicated position at Division of Water Rights
- Wide range of job duties
- Smaller project load than other permitting and licensing staff
- Reduced project load facilitates expediting projects



Gallo Glass Project: Russian River Valley

- Filing focused on authorizing voluntary releases for fish and wildlife enhancement
- SFEP funded construction of the permanent instream flow release works and associated environmental monitoring
- Steelhead and coho present in Porter Creek



Continued Work

- Next application submission window July 3 – August 31
- Example eligible project types
- Continued collaboration with WCB
- For general questions contact WCBStreamflow@Wildlife.ca.gov

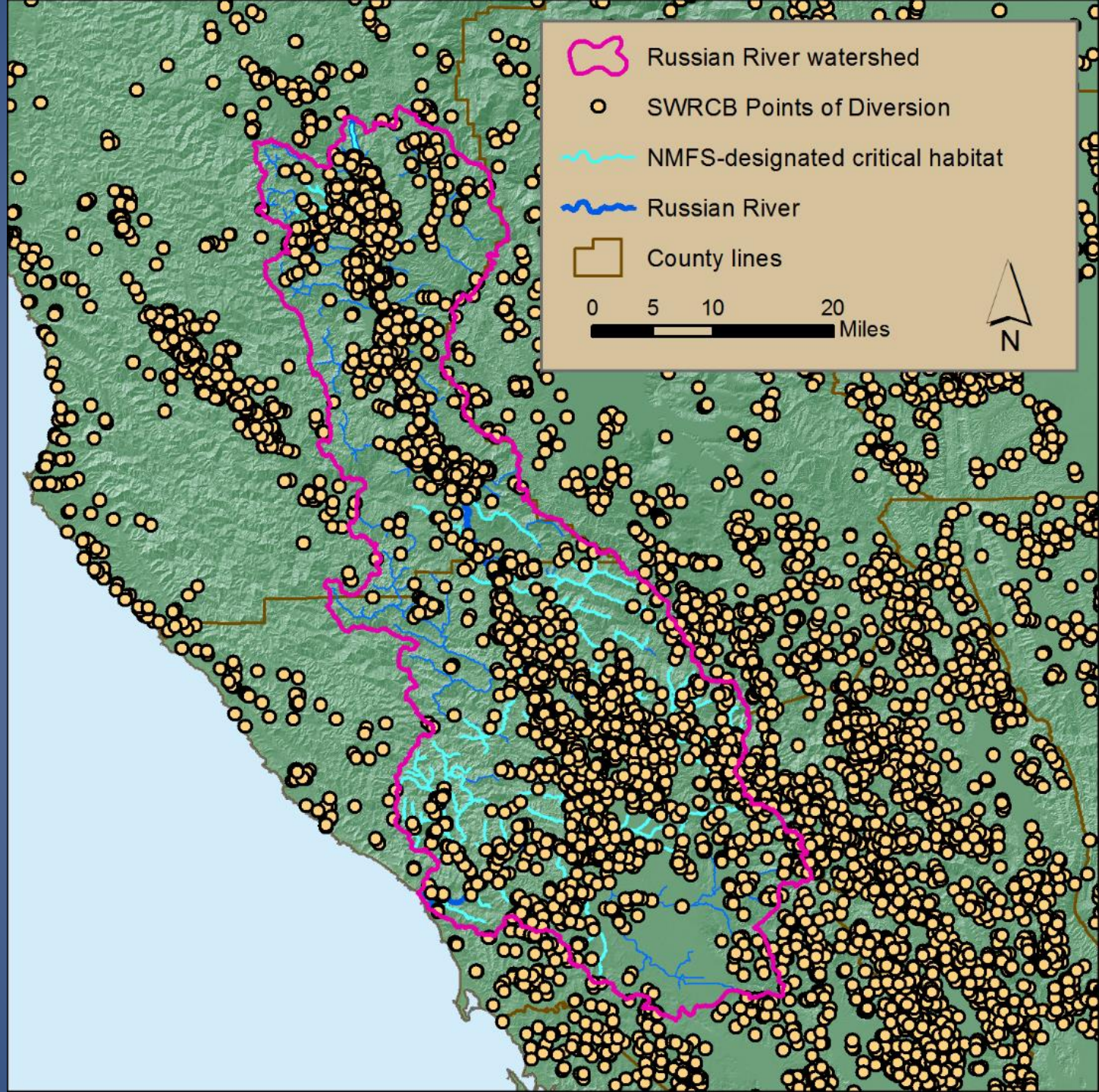




Water Rights Permitting for Fisheries Enhancement Projects in Coastal Watersheds

*Presentation to the State Water Resources Control Board
Mary Ann King and Matt Clifford, Trout Unlimited*

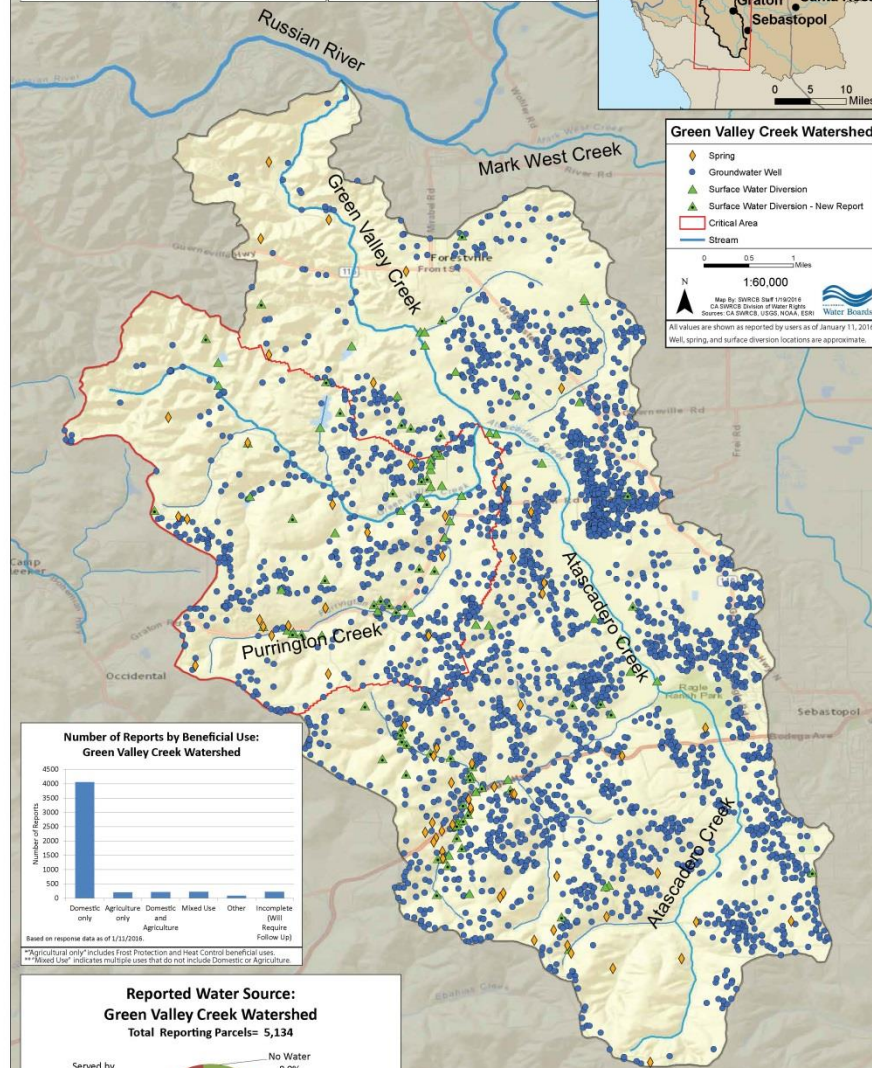
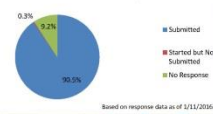




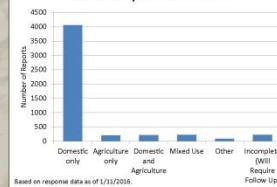
Total Watershed Area = 38.00 miles²
 Critical Watershed Area = 10.20 miles²
 Total Parcels in Watershed = 5,676
 Total Parcels in Critical Area = 810
 Total Groundwater Wells Reported in Watershed = 3,174
 Total Surface Diversions Reported in Watershed = 169
 Total Diversions from Springs Reported in Watershed = 69

Green Valley Creek Watershed Informational Order Responses

Total Parcels in Watershed = 5,676

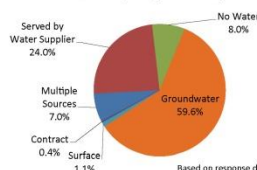


Number of Reports by Beneficial Use: Green Valley Creek Watershed



*Agricultural only includes Frost Protection and Heat Control beneficial uses.
 **Mixed User indicates multiple users that do not include Domestic or Agriculture.

Reported Water Source: Green Valley Creek Watershed Total Reporting Parcels= 5,134



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, Mapbox India, OpenStreetMap contributors, and the GIS User Community